

FILED

GMR

JUNE 24, 2010

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JJ Cook County
Cook County Sheriff
Deputy Wilson

Clay Marsha A.
924 N Parkside Ave

Plaintiff(s),

vs.

015 William Woods #3471

Unknown Cook County

Sheriff
Tom Darr as Sheriff of Cook County,

Defendant(s).

and Cook County
Duplignan Michael #5200

NORTHERN District
OF ILLINOIS.

1:10-cv-02953

Judge Matthew F. Kennelly

Magistrate Judge Morton Denlow

RECEIVED

MAY 13 2010

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**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Marsha Ann Clay

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, William Woods #3471, is
(name, badge number if known)

☒ an officer or official employed by Cook County Sheriff;
(department or agency of government) _____ or

☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is Cook County Sheriff. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about May 28, 2008, at approximately 11:00 ☒ a.m. ☐ p.m.
(month, day, year)
plaintiff was present in the municipality (or unincorporated area) of Chicago
_____, in the County of Cook,

State of Illinois, at Circuit Court of Cook County, 26th & California
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (***Place X in each box that applies***):

- ☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☐ searched plaintiff or his property without a warrant and without reasonable cause;
- ☒ used excessive force upon plaintiff;
- ☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☒ failed to provide plaintiff with needed medical care;
- ☐ conspired together to violate one or more of plaintiff's civil rights;
- ☐ Other:

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: *(Leave blank if no custom or policy is alleged)*: _____

8. Plaintiff was charged with one or more crimes, specifically:

Aggravated Battery but not against
this named defendant

9. *(Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other")* The criminal proceedings

☒ are still pending.

☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☐ Other: _____

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: (Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)

Plaintiff was standing in front of window to courtroom 302.

Defendant wald grabbed plaintiff from behind and threw her with great force to the floor.

Defendant then placed his body onto plaintiff's right knee, then dragged plaintiff by her legs through the courtroom, into lockup and onto the elevator and other Deputy stood by and they did not do anything to help me it took them over 1 to 2 hours to take me to the Hoispla.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Plaintiff suffered great bodily harm specifically a displaced right lateral tibial plateau fracture requiring surgery.

14. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant named herein, _____, I.D.# _____, has the sum of \$ _____ on account to his/her credit at (name of institution) _____. I further certify that the applicant has the following securities to his/her credit: _____. I further certify that during the past six months the applicant's average monthly deposit was \$ _____. (Add all deposits from all sources and then divide by number of months).

Date

Signature of Authorized Officer

(Print Name)

4 (cont.)

- Tom Dart as Sheriff of Cook County;
Unnamed Cook County Sheriff's Deputies as officers
of Cook County; and
Cook County, a municipality.

15. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: X *Marsha A Clay*

Plaintiff's name (print clearly or type): Marsha Clay

Plaintiff's mailing address: 924 N. Parkside Ave 3rd Floor

City Chicago State IL ZIP 60651

Plaintiff's telephone number: (773) 615-3636

Plaintiff's email address (if you prefer to be contacted by email): _____

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.